

**Customer No.: 00909**  
**Interview Summary**  
**Application Serial No.: 10/761,938**  
**Attorney Docket No. 016472-0311710**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS : Soheil SHAMS                      CONFIRMATION NO. : 2161  
SERIAL NUMBER : 10/761,938                      EXAMINER : Abolfazi Tabatabai  
FILING DATE : January 21, 2004                      ART UNIT : 2625  
FOR : **SYSTEM AND METHOD FOR AUTOMATICALLY PROCESSING  
MICROARRAYS**

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA. 22313-1450

**INTERVIEW SUMMARY**

Applicants' representative, the undersigned, was contacted via telephone by Examiner Tabatabai on March 29, 2006 regarding the above-captioned application. During the teleconference, Examiner Tabatabai requested that the Applicants file a terminal disclaimer to overcome the pending non-statutory obviousness-type double patenting rejection of claim 76 in view of claim 1 of U.S. Patent No. 6,731,781. See Office Action mailed August 22, 2005, pg. 2. Examiner Tabatabai indicated that upon filing of the terminal disclaimer, all pending claims (1-76) would be allowed. Accordingly, a terminal disclaimer is being filed herewith.

While applicants disagree with the non-statutory obviousness-type double patenting rejection set forth by the Examiner, the terminal disclaimer is being filed herewith solely in an effort to expedite prosecution. Applicants further note that the filing of a terminal disclaimer to obviate a rejection based on non-statutory double patenting is not an admission of the propriety of the rejection. *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d (BNA) 1392 (Fed. Cir. 1991). The court indicated that the "filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection."

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Date: **March 29, 2006**

Respectfully submitted,

By:

  
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Timothy C. Rooney  
Registration No. 55,878

**Customer No. 00909**

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Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act 2005 (H.R. 4818)		<b>Complete if Known</b>	
<h1>FEE TRANSMITTAL for FY 2005</h1>		Application Number	10/761,938
		Filing Date	January 21, 2004
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		First Named Inventor	SOHEIL SHAMS
		Examiner Name	Abolfazl Tabatabai
		Art Unit	2625
TOTAL AMOUNT OF PAYMENT		( \$ )	65
		Attorney Docket No	016472-0311710

**METHOD OF PAYMENT** (check all that apply)

Check  
  Credit Card  
  Money Order  
  None  
  Other (please identify) \_\_\_\_\_

Deposit Account  
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 Deposit Account Name PILLSBURY WINTHROP SHAW MITMAN LLP

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**FEE CALCULATION**

**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fee Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150/100	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	150	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

**2. EXCESS CLAIM FEES**

Fee Description	Small Entity	
	Fee (\$)	Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

**Total Claims** = 20 or MP = Extra Claims x Fee (\$) = Fee Paid (\$)      **Multiple Dependent Claims**  
 MP = highest number of total claims paid for, if greater than 20      Fee (\$)      Fee Paid (\$)  
**Indep. Claims** = 3 or MP = Extra Claims x Fee (\$) = Fee Paid (\$)  
 MP = highest number of independent claims paid for, if greater than 3

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

**Total Sheets** = 100 + Extra Sheets / 50 = Number of each additional 50 or fraction thereof x Fee (\$) = Fee Paid (\$)  
 (round up to a whole number) x 125.00 = \_\_\_\_\_

**4. OTHER FEE(S)**

Non-English Specification	150 fee (no small entity discount)	_____
Other	Terminal Disclaimer	65.00

<b>SUBMITTED BY</b>		
Signature	Registration No (Attorney/Agent)	Telephone
	55,878	703.770.7939
Name (Print/Type)	Date	
Timothy C. Rooney	March 29, 2006	

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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